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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/774,670
Filing Date: February 9, 2004
Appellant(s): FINKE-ANLAUFF ET AL.

Richard D. Emery

For Appellant

EXAMINER'S ANSWER

This is in response to the Appeal Brief filed February 21, 2008, appealing from the Office action mailed July 19, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,301,586	Yang	10-1997
2002/20054157	Hayashi	04-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,4,5,35, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Yang (US Patent No. 6,301,586) issued October 9, 2001.

Regarding Claims 1 and 35, Yang discloses a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions configured to be executed by a processing device to provide access to media files on a digital device, the computer-readable program instructions comprising:

a processing unit that executes computer-readable program instructions for accessing media files (columns 4-5, lines 55-67 and 1-12, respectively, Yang);

first instructions for generating a media view that provides access to at least one digital media file and associates the at least one digital media file with a period of time (Fig. 6; column 5, lines 43-48, Yang);

second instructions for generating media file representations within the media view such that the media file representations associated with a period of time are enlarged media file representations when the period of time is proximate a predefined position within the media view (Figs. 7,8,&26; column 12, lines 35-52, column 14, lines 45-51, and column 21, lines 33-46, Yang); and

a display in communication with the processing unit that presents the media view (column 4, lines 36-41, Yang).

Regarding Claims 4 and 38, Yang discloses the computer readable storage medium further comprising third instructions for displaying a selected

media file representation from the media view in "pop-up" view format (columns 22-23, lines 66-67 and 1-11, respectively, Yang).

Regarding Claim 5, Yang discloses the computer readable storage medium wherein the third instructions are further defined as displaying a selected media file representation from the media view in "pop-up" view format, wherein the "pop-up" view format exceeds the size of all other media file representations within the media view (column 23, lines 29-31, Yang).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2-3,6-9,36-37, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (US Patent No. 6,301,586) filed October 6, 1997, in view of Hayashi (US Patent Application No. 20020054157) filed April 27, 2001.

Regarding Claims 2 and 36, Yang discloses all of the claimed subject matter as stated above. However, Yang is silent with respect to the media file representations associated with a period of time proximate a vertical centerline of the media view are enlarged media file representations. On the other hand,

Hayashi discloses the media file representations associated with a period of time proximate a vertical centerline of the media view are enlarged media file representations (Figs. 37-39; [0267-0269], Hayashi). Yang and Hayashi are analogous art because they are from the same field of endeavor of management of multimedia objects together with software tools. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Hayashi's teachings into the Yang system. A skilled artisan would have been motivated to combine as suggested by Hayashi at [0002-0004], in order to provide a system to quickly process displays. As a result, allowing the images within the display to operate more quickly and efficiently.

Regarding Claims 3 and 37, the combination of Yang in view of Hayashi, disclose the computer readable storage medium wherein the second instructions are further defined as generating media file representations within the media view such that media file representations gradually decrease in size the further that an associated period of time deviates from the predefined position ([0249-0251], Hayashi).

Regarding Claim 6, the combination of Yang in view of Hayashi, disclose the computer readable storage medium wherein the third instructions are further defined as displaying a selected media file representation from the media view in "pop-up" view format, wherein the selected media file representation is chosen

from the media file representations associated with the period of time proximate to the predefined position (Abstract, Hayashi).

Regarding Claims 7 and 39, the combination of Yang in view of Hayashi, disclose the computer readable storage medium wherein the second instructions further provide for generating media file representations within the media view such that the media file representation associated with a period of time proximate a predefined position of the media view and proximate the center point of the predefined position is an enlarged media file representations in comparison to other media file representations in the time period proximate the predefined position (Figs. 37-39; [0267-0269], Hayashi).

Regarding Claim 8, the combination of Yang in view of Hayashi, disclose the computer readable storage medium wherein the second instructions further provide for generating media file representations within the media view such that the media file representation associated with a time period proximate to the vertical centerline and proximate to a center point within the time period is an enlarged media file representation in comparison to other media file representations in the time period proximate the predefined position (Figs. 37-39; [0267-0269], Hayashi).

Regarding Claim 9, the combination of Yang in view of Hayashi, disclose the computer readable storage medium wherein the second instructions further provide for generating media file representations within the media view such that the media file representations associated with a time period proximate to the vertical centerline decrease in size the further that a media file representation deviates from the center point ([0249-0251], Hayashi).

(10) Response to Argument

Appellant argues, Yang does not teach "generating media file representations within the media view such that the media file representations associated with a period of time are enlarged media file representations <u>when the period of time is proximate a predefined position within the media view</u>".

Examiner respectfully disagrees. To begin Yang teaches "*MOMA is a media object management application designed to help users to organize and manage image/media files with associated properties such as file name, file format, keyword, comments, date, time, and file size, all of which the user can use to sort and search, and create subsets of, related media file by using specified criteria...Each media file is considered a member of a particular album and each album belongs to a collection that has some customized attributes…MOMA organizes all existing albums in a vertically arranged menu of icons, shown and described below in connection with FIG.6*" (see col.5, lines 43-48, 58-60, and 63-65). The preceding excerpt teaches the use of MOMA (i.e. a media object management application), which corresponds to the media view, wherein MOMA organizes and manages media files with properties such as date and time. The media files and date/time correspond to the

media file representations with a period of time. For a better understanding and visual, Fig.6 shows the MOMA interface (i.e. media view) containing multiple media files with dates attached. Next, Yang further discusses a Slide Show, which *"allows user to view the album contents in term of slide show with the following control options: number of special effects, adjustable slide show speed, slide show with audio annotation, and selectable options such as repeat, stop, and* ***re-size image***" (col.14, lines 45-51), and also the Thumbnail View, which "*is the basic view method used by traditional album management programs. The default MOMA album view is the thumbnail view…The user can view all of the selected images by selecting the "view" menu item from the pop-up menu. Once the user clicks the view menu, a viewer application will be launched to view all of the selected images with desired special effects. The user can either view the selected image inside the view window or in* ***full screen.*** *The viewer application will run in two modes AUTOMATIC and MANUAL. In AUTOMATIC (the default mode), the viewer mode will automatically start showing the images one by one at certain time intervals with some smooth transition between the two images. The image will last on the screen for some predefined and user configurable time period*" (cols.22-23, lines 59-67 and 1-21, respectively). The preceding excerpts begin by teaching the use of a slide show and one of the control options within the slide show being the option to re-size the images (i.e. enlarging the image) within the media view. Even further, the excerpts teach the default view being the Thumbnail view (wherein the actual size of the images can be seen within the above discussed Fig.6), as such the Thumbnail view provides the user with the option of viewing the images within a viewer application. The viewer application allows the images to be viewed in the full screen (i.e. zoom-in/enlarged). One of the modes within the viewer application is the default mode of AUTOMATIC,

which maintains the images on the screen based on a predefined and user configurable time period. Once the time period has elapsed the next image appears on the screen in full frame. As stated earlier the images begin in Thumbnail view, which is a smaller size compared to the full-screen view of the slideshow/viewer application view, thereby disclosing the images becoming enlarged. Also, as is well known within the art, images being viewed within a slideshow/viewer application are larger, and the time period is near a predefined position wherein the predefined position is the center of the screen since the mode is set to full screen along with the time period of the intervals being predefined. As a result, the above-argued feature against Yang has in fact been disclosed.

Appellant argues, Hayashi also fails to teach or suggest "generating media file representations within the media view such that the media file representations associated with a period of time are enlarged media file representations when the period of time is proximate a predefined position within the media view".

Examiner respectfully disagrees. In response to the above argument, the applicant points out that Hayashi was not relied upon for the above-argued limitation (which is a limitation within the independent claims, which was rejected under 35 U.S.C. 102 by Yang). As such, the appellant's argument is deemed null since the validity of the Hayashi reference with respect to such limitation has not been taken into account. Also, appellant discusses the citation of Hayashi at Figs.37-39 and paragraphs [0267-0269] and argues that the passages do not teach the above argued limitation.

However, the citation of Hayashi was relied upon for the disclosure of the limitation found within the dependent claims which states, "media file representations associated with a period of time proximate a vertical centerline of the media view are enlarged media file representations", in which that validity was never argued by the appellant.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,
CLD
May 6, 2008

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